

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WAYNE E. HARVEY : CIVIL ACTION
: :
: v. :
: :
LOUIS S. FOLINO, et al. : NO. 05-3709

O R D E R

AND NOW, this 22nd day of November, 2006, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Reuter, it is hereby

ORDERED

1. Petitioner's objections to the Report and Recommendation are DENIED;
2. The Report and Recommendation is APPROVED and ADOPTED;
3. The petition for a writ of habeus corpus is DENIED;
4. Petitioner's Motion to Compel (Doc. No. 13) is DENIED; and
5. A certificate of appealability is not granted.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY, S.J.